



STATE OF NEW JERSEY

In the Matter of Peter Guralewycz,  
Correction Officer Recruit, Juvenile  
Justice Commission (S9999R),  
Juvenile Justice Commission

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2018-639

List Removal Appeal

ISSUED: APRIL 9, 2018 (SLK)

Peter Guralewycz appeals the removal of his name from the eligible list for Correction Officer Recruit, Juvenile Justice Commission (S9999R), Juvenile Justice Commission, on the basis of falsifying his application.

By way of background, the appellant applied to the subject announcement, which had a September 4, 2013 closing date, and his name appeared on certification OS160527 that was issued to the appointing authority on August 1, 2016. In disposing of the certification, the appointing authority requested the removal of the appellant's name, contending that he falsified his application. Specifically, the appointing authority indicated that the application asked if he had ever been involved with a written employment test/application with any other police agencies and if so, the status of those applications. However, the appellant failed to list that he had applied for employment with the Department of Corrections in 2005, 2007 and 2011 and was removed from the list each time for failing to appear for pre-employment processing. Additionally, the appellant indicated on his application that he had never worked for Passaic County Juvenile Detention Center or Hudson County Corrections. However, the appointing authority presented payroll records that show that he worked for both entities for a short period.<sup>1</sup>

<sup>1</sup> Agency records also indicate that the appellant previously was employed by New Jersey City University as a Security Officer and he was removed from employment effective December 23, 2015. The appellant appealed his removal and the matter was transferred to the Office of Administrative Law for a hearing, which is still pending.

On appeal, the appellant claims that the information he submitted in his packet was accurate to the best of his knowledge. The appellant states that he did not provide any information regarding prior applications in 2005, 2007 or 2011 with the Department of Corrections because he never completed or started the process. The appellant admits that he did indicate in his packet that he started the employment process with Passaic County Juvenile Detention Center. However, he represents that he only started training and then declined the position as the facility got in trouble for trying to hire on-call personnel, and then was shut down. Similarly, the appellant states that he did put down in his packet that he started the employment process with Hudson County Corrections, but declined the position and did not work there. He claims that he never went to the Academy because he could not find the uniforms for the Academy and one of his parents became ill.

In reply, the appointing authority reiterates its request to remove the appellant's name from the list for the reasons as stated above.

### CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the Civil Service Commission to remove an eligible's name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process.

*N.J.A.C.* 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his or her name from an eligible list was in error.

In this matter, the information that the appellant failed to disclose is considered material and should have been accurately indicated on his employment application. The Appellate Division of the New Jersey Superior Court in *In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate's name based on his falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant. In this regard, it is recognized that a Correction Officer Recruit is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. Correction Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an image of utmost confidence and trust. See *Moorestown v. Armstrong*, 89 *N.J. Super.* 560 (App. Div. 1965), *cert. denied*, 47 *N.J.* 80 (1966). See also *In re Phillips*, 117 *N.J.* 567 (1990). The public expects Correction Officers to present a personal background that exhibits respect for the law and rules. Therefore, even if the

appellant did not intend to deceive the appointing authority, at minimum, it needed to know the appellant's accurate employment history including employments he tried to secure. In this regard, the appointing authority needed a complete understanding of the appellant's background to evaluate whether the appellant possessed a background that met the high standards for a law enforcement officer. *See In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017).

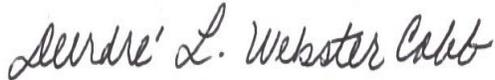
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Correction Officer Recruit, Juvenile Justice Commission (S9999R) eligible list.

**ORDER**

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 4<sup>th</sup> DAY OF APRIL, 2018



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